

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

DHC REALTY, LLC.,

Debtor.

CASE NO. 11-30977

CHAPTER 11

**DHC REALTY, LLC., CHOWAIKI
HOLDINGS, LLC., EL PASO DHC
ENTERPRISES, LLC., EL PASO DHC
ENTERPRISES FAR EAST, LLC., EL
PASO DHC ENTERPRISES WEST,
LLC., AND DAVID CHOWAIKI,**

Plaintiffs,

Adv. Proc. No: 12-03012

v.

**ARMANDO ARMENDARIZ, YVETTE
ARMENDARIZ and HECTOR
ARMANDARIZ,**

Defendants.

**DEFENDANTS ARMANDO ARMENDARIZ, YVETTE ARMENDARIZ AND
HECTOR ARMENDARIZ'S MOTION TO ENLARGE TIME WITHIN
WHICH TO FILE A RESPONSIVE PLEADING OR OTHERWISE PLEAD
TO PLAINTIFFS' ORIGINAL COMPLAINT**

**TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY
JUDGE:**

Now comes Armando Armendariz, Yvette Armendariz and Hector Armendariz, Defendants in the above entitled and numbered Adversary Proceeding, by and through Sidney J. Diamond of Diamond Law, one of their attorneys of record and files this Motion to Enlarge Time Within Which to File a Responsive Pleading or Otherwise Plead to Plaintiffs' Original Complaint and would respectfully show the Court the following:

**DEFENDANTS MOTION TO ENLARGE TIME WITHIN WHICH TO FILE A
RESPONSIVE PLEADING OR OTHERWISE PLEAD TO PLAINTIFFS' ORIGINAL
PETITION, Page - 1**

1. That the time for Defendants to file a responsive pleading or otherwise plead to Plaintiffs' Original Complaint will expire on June 22, 2012. That the Defendants seek an extension of time of two weeks until July 6, 2012 to prepare and file their responsive pleading or otherwise plead to Plaintiffs' Original Petition

2. That the Defendants are unable to prepare and file a responsive pleading or otherwise plead to Plaintiffs' Original Complaint within the prescribed time, and require additional time to prepare such pleading. Chris Johnston is lead counsel in this adversary proceeding. Mr. Johnston is on vacation, out of the country, and will not return to El Paso until June 26, 2012. Mr. Johnston filed a certificate of vacation as required by State Court local rules, a copy of which is attached as Exhibit "A". Mr. Johnston left for vacation on June 14, 2012 and will return on June 26, 2012. Co-counsel has no authority to file a responsive pleading or otherwise plead without Mr. Johnston's consent. Mr. Johnston was working on the pleading to be filed in this case when he left on vacation. The Complaint filed in this case is lengthy, complex and contains numerous accusations of wrongdoing and numerous counts against the Defendants. Mr. Johnston was unable to complete the responsive pleadings before he left on vacation.

3. This Motion for Extension of Time to file a responsive pleading is not filed for purpose of delay but for justice to be served. Just cause exists for the enlargement of time as this case is in the beginning stages and no possible harm can be done to Plaintiff for the two-week extension as requested.

4. Defendants' counsel has conferred with Plaintiffs' counsel, Corey Haugland concerning this extension and Mr. Haugland does not consent to the extension.

WHEREFORE, THE DEFENDANTS PRAY:

1. That his Motion to Enlarge Time Within Which To File a Responsive Pleading or Otherwise Plead to Plaintiffs' Original Petition until July 6, 2012, be in all things Granted; and,

**DEFENDANTS MOTION TO ENLARGE TIME WITHIN WHICH TO FILE A
RESPONSIVE PLEADING OR OTHERWISE PLEAD TO PLAINTIFFS' ORIGINAL
PETITION, Page - 2**

2. For such other and further relief as the Defendants may show themselves to be justly entitled.

DATED: June 20, 2012.

Respectfully submitted,

DIAMOND LAW,

/s/ Sidney J. Diamond
By: Sidney J. Diamond
Attorney for Debtors
Texas Bar Card No.: 5803000
3800 N. Mesa, Suite B-3
El Paso, Texas 79902
(915) 532-3327 Voice
(915) 532-3355 Fax
sidney@sidneydiamond.com

CERTIFICATE OF SERVICE

I, Sidney J. Diamond, do hereby certify that on June 19, 2012, a true and correct copy of the foregoing Motion to Enlarge Time Within Which to File a Responsive Pleading or Otherwise Plead to Plaintiffs' Original Complaint was served by depositing the same in the United States Mail, properly addressed and postage prepaid or via any electronic means as listed on the Court's ECF noticing system to the following parties:

THE DEBTOR/DEFENDANT:

DHC Realty, LLC
301 Williams
El Paso, TX 79901

THE DEFENDANT'S ATTORNEY:

Corey W. Haugland
P.O. Box 1770
El Paso, TX 79949-1770

/s/Sidney J. Diamond

Sidney J. Diamond

ATTORNEY VACATION CERTIFICATE

PLEASE BE INFORMED THAT THE UNDERSIGNED ATTORNEY WILL BE ON VACATION DURING THE FOLLOWING WEEKS: (NOT TO EXCEED 4 WEEKS DURING THE FISCAL YEAR)

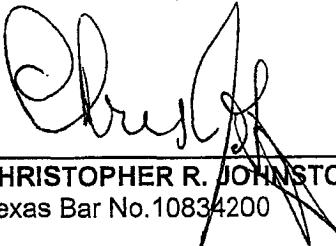
June 15, 2012 through June 24, 2012

THIS NOTICE IS FILED 60 DAYS PRIOR TO THE BEGINNING OF SUCH VACATION AND IS FOR THE FISCAL YEAR BEGINNING JANUARY, 2012.

SIGNED this 6 day of March, 2012.

Respectfully submitted,

FIRTH◆JOHNSTON◆MARTINEZ
415 N. Mesa St., Third Floor
El Paso, Texas 79901
Phone: (915) 532-7500
Facsimile: (915) 544-0469



By:

CHRISTOPHER R. JOHNSTON
Texas Bar No.10834200

COPIES TO:

THE DISTRICT CLERK'S OFFICE KEEPS THE CERTIFICATES IN ONE SEPARATE FILE, SINCE THEY DO NOT KEEP TRACK OF THE COURTS AND ATTORNEYS' SCHEDULES, SO THERE IS NO NEED TO FILE IT WITH THEM.

BOXES LOCATED AT THE COPY/MAILROOM LOCATED LOWER LEVEL ROOM #109 OF THE COURTHOUSE. PUT COPIES IN EACH OF THE FOLLOWING BOXES:

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CC2-BOX 14	210TH-BOX 25
CC3-BOX 15	243RD-BOX 26
CC4-BOX 16	327TH-BOX 27
CC5-BOX 17	346TH-BOX 76
CC6-BOX 89	383RD-BOX 81
CC7-BOX 77	384TH-BOX 82
34TH-BOX 18	388TH-BOX 52
41ST-BOX 19	409TH-BOX 83
65TH-BOX 20	COUNCIL OF JUDGES-BOX 3
120TH-BOX 21	COUNTY COURT ADM-BOX 12
168TH-BOX 22	COURT MASTERS-BOX 60
	448 TH - Box 61

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